

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA220

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)Date of mailing  
(day/month/year) see form PCT/ISA210 (second sheet)Applicant's or agent's file reference  
see form PCT/ISA220FOR FURTHER ACTION  
See paragraph 2 belowInternational application No.  
PCT/GB2005/000902International filing date (day/month/year)  
08.03.2005Priority date (day/month/year)  
08.03.2004International Patent Classification (IPC) or both national classification and IPC  
F03B13/14Applicant  
ORECON LIMITED

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA220.

3. For further details, see notes to Form PCT/ISA220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/GB2005/000902

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ In written format
    - ☐ In computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, Inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	7-9,11
	No: Claims	1-6,10,12-14
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

**2. Citations and explanations****see separate sheet**

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**Box No. VII Certain defects in the International application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following document:

D1: US-A-5 770 893 (YOULTON ET AL) 23 June 1998 (1998-06-23)

D2: US-A-4 198 821 (MOODY, GEORGE W ET AL) 22 April 1980 (1980-04-22)

- 1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

"A wave energy device in the form of a heave resistant vessel (col. 1, lines 8-29; col 7, lines 47-55) comprising one or more flow paths (col 4, line 34 to col. 5, line 12 and figs. 7,8) into which water can be urged by wave action and an energy extractor in fluid communication with said flow paths and arranged to extract energy from air movements in said paths caused by said wave action (col 3, lines 14-23)."

- 1.2 Document D2 also discloses the features claimed in independent claim 1.
- 2.1 The features claimed in dependent claims 2-6, 10 and 12-14 are also disclosed in the corresponding passages of D1 referred to in the search report.
- 2.2 Dependent claims 7-9 and 11, referring to the features claiming to provide the heave resistance are well known in this area of technology - see for example the corresponding passage (col. 2, lines 55-65) cited in the search report in document D2. There are thus no features in claims 7-9 and 11 which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

The subject matter of claims 1-14 fulfills the requirement of industrial applicability, as

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required by Art. 33(4) of the PCT.

**Re. Item VII**

The applicant's attention is drawn to the requirement of Rule 5.1(a)(ii) PCT, which stipulates that the background prior art must be included and mentioned in the description. There is no such disclosure of background art in the present description.